

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 1, 15, and 28. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-13, and 15-41 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 103(a)

A. Claims 1-4, 8, 9, 11, 12, 15-18, 22, 23, 25, 26, 28-32, 36, 37, 39 and 40

Claims 1-4, 8, 9, 11, 12, 15-18, 22, 23, 25, 26, 28-32, 36, 37, 39 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Reiner, *et al.* (EP 0948168) in view of Brisebois, *et al.* (U.S. Patent Publication No. 2003/0061381). Applicant respectfully disagrees.

Reiner discloses a method and device of controlling the flow of a data amount from a sender to a receiver in a packet exchange connection, said packet exchange connection consisting of a plurality of links connected by routers, comprising: controlling said sender to determine from said data amount a data sequence to be sent, automatically determining one or more bandwidth values respectively associated with one or more of said links, and employing said one or more bandwidth values in the process of controlling the flow of said sequence from said sender to said receiver. Thereby a flow control is achieved that can directly take properties of the connection into account. (See Reiner, Abstract)

Brisebois discloses an interface apparatus designed to allow wireless connections to be established between a computer and a computer controlled component such as a printer, scanner, etc. These interface apparatus do not require any modifications within the computer controlled component, as the interface apparatus is coupled to the computer controlled component via a standard interface such as a Universal Serial Bus (USB) cable. The interface apparatus converts data information from a first format required by the standard interface into a second format required by a wireless data network, and vice versa. With the use of such interface apparatus

numerous wireless private networks can be established including both computers with wireless data connections and other components that normally cannot attach and/or remove data unit headers. (See Brisebois, Abstract)

The Examiner's attention is directed to the fact that the combination of Reiner and Brisebois fails to teach "a network entity receiving, continuously throughout said bit transfer session, information, over another connection separate from the bit transfer session, from a radio resource managing unit about the bandwidth on the wireless link that the bit transfer session currently is allowed to use, where the network entity is separate from the radio resource managing unit and comprises at least one of the application server and the client", as recited in independent claim 1. Independent claims 15 and 28 recite similar structure.

First, the Examiner states that Reiner teaches what is recited in claim 1 except for "a network node being a radio resource managing unit". (See Office Action dated June 11, 2009, at page 27) It appears that the Examiner has added language that does not appear in the claim. The Examiner has removed the claimed term "radio resource management unit" in favor of the more generic "network node" and has proceeded to cite the Reiner reference for its teaching of a router being a network node. The Applicant traverses the Examiner's rejection of language that does not appear in the claims. The Applicant did not claim a network node. The Applicant claimed a radio resource management unit. For reasons that are readily apparent, the Examiner cannot properly read the router of Reiner on the radio resource management unit of Applicant's claims.

Second, Applicant has amended the independent claims to recite that the network entity receives information over "another connection separate from the bit transfer session". Support for this amendment can be found at least at FIG. 6, element 15 of the present Application. In contrast, the Reiner reference teaches the use of a sender, link 300, router R1, link 301, router R2, link 302, and a receiver. (See Reiner FIG. 7) In Reiner, a data sequence (1, 2, 3, 4, 5, 6, 7, 8,...) is sent from the sender to the receiver via link 300, router R1, link 301, router R2, and link 302. Reiner teaches that its routers add bandwidth values to packets being sent to the receiver or

acknowledgement packets being to the sender using the same links that are used to transmit the data sequence. (See Reiner, paragraph [0054]) This is clearly not what is recited by the present claims.

Third, the Examiner cites Brisebois for its purported teaching of a radio network controller and reads this radio network controller on the "network node" that was never recited in Applicant's claims. As such, Applicant respectfully submits that since Applicant's claims recited a radio resource managing unit and not a generic network node, the basis for the Examiner's combination of Reiner and Brisebois is improper, lacks the motivation to combine (the router of Reiner with the RNC of Brisebois are not functionally equivalent), and would not work in the manner suggested by the Examiner.

In view of the above arguments, Applicant respectfully submits that independent claims 1, 15, and 28 are patentable over the cited art of record. Claims 2-4, 8, 9, 11, 12, 15-18, 22, 23, 25, 26, 28-32, 36, 37, 39, and 40 are patentable at least by virtue of depending from their respective base claims. Withdrawal of the rejection is respectfully requested.

B. Claims 5, 6, 19, 20, 33, and 34

Claims 5, 6, 19, 20, 33, and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Reiner and Brisebois in view of Wolfe et al (US 6,907,455). Applicant disagrees.

The Examiner concedes that Reiner and Brisebois fail to teach, disclose, or suggest said bit transfer session being set up between the application server and the client via a proxy and by said network entity being the proxy. The Examiner also concedes that Reiner fails to teach, disclose, or suggest said proxy sending acknowledgements of packets received from the application server during said bit transfer session and by said acknowledgements being dependent on said received information from the radio resource managing unit. In order to cure this perceived deficiency, Wolfe is cited.

Wolfe discloses techniques for notifying a client device of the occurrence of an event using a web application activated based on an application-state data record. A

persistent process monitors incoming data for the occurrence of an event and provides the application-state data record that can be used to activate a session of an event notification application. The persistent process provides an event indicator to a proxy browser which then activates the event notification application. The event notification application provides an event notification to the proxy browser, which in turn provides an audio notification of the event to the client device, which may be a telephony device or other two-way audio communication device. The user of the client device can then respond to the event notification or otherwise interact with the event notification application via the proxy browser. (Wolfe, Abstract)

As stated above in Section 2.) A., Reiner and Brisebois fail to teach "a network entity receiving, continuously throughout said bit transfer session, information, over another connection separate from the bit transfer session, from a radio resource managing unit about the bandwidth on the wireless link that the bit transfer session currently is allowed to use, where the network entity is separate from the radio resource managing unit and comprises at least one of the application server and the client". Wolfe fails to cure this deficiency. As such, Applicant submits that claims 5, 6, 19, 20, 33, and 34 are patentable over the combination of Reiner, Brisebois, and Wolfe.

C. Claims 7, 21, and 35

Claims 7, 21, and 35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner and Brisebois in view of Lee (US 2003/0233453). Applicant disagrees.

The Examiner concedes that Reiner and Brisebois fail to teach, disclose, or suggest transforming the data to be transmitted in response to said information regarding bandwidth. In order to cure this perceived deficiency, Lee is cited.

Lee discloses a topology probing method for mobile IP system is disclosed, which has a probing server, multiple clients, and multiple home agents corresponding to the clients. When the probing server sends a probing request to the client in a remote network, the client responds current resource allocation information to the probing server. The probing server establishes the network topology of the clients based on the

current resource allocation information. The probing server performs a dynamic prediction based on several previous responding statuses for calculating a time interval between sending the current probing request and sending the next probing request, thereby decreasing the number of sending the probing request. (Lee, Abstract)

As stated above in Section 2.) A., Reiner and Brisebois fail to teach "a network entity receiving, continuously throughout said bit transfer session, information, over another connection separate from the bit transfer session, from a radio resource managing unit about the bandwidth on the wireless link that the bit transfer session currently is allowed to use, where the network entity is separate from the radio resource managing unit and comprises at least one of the application server and the client". Lee fails to cure this deficiency. As such, Applicant submits that claims 10, 24, and 38 are patentable over the combination of Reiner, Brisebois, and Lee.

D. Claims 10, 24, and 38

Claims 10, 24, and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner and Brisebois in view of Walding (US 6,031,845). Applicant disagrees.

The Examiner concedes that Reiner and Brisebois fail to teach, disclose, or suggest transforming the data to be transmitted in response to said information regarding bandwidth. In order to cure this perceived deficiency, Walding is cited.

Walding discloses a bandwidth management system, a subscriber terminal, and a method for managing calls between a central terminal and a subscriber terminal of a wireless telecommunications system, a number of items of telecommunications equipment being connectable to the subscriber terminal. The subscriber terminal is arranged to pass call data between said items of telecommunications equipment and the central terminal via a wireless link, the wireless link being provided on a frequency channel with a predetermined maximum call data bandwidth for the transmission of said call data. The bandwidth management system comprises a bandwidth manager for maintaining in a storage information about allocation of the predetermined maximum

call data bandwidth amongst calls currently being handled on the frequency channel. Further, a bandwidth allocator is provided that, responsive to a request to establish a call, is arranged to allocate, with reference to the information in said storage, a call data bandwidth for the call. The bandwidth manager then uses the call data bandwidth allocated by the bandwidth allocator to update the information in the storage. In preferred embodiments, the type of call to be established is determined, and the bandwidth allocator uses this call type information when allocating the call data bandwidth for the call. Compression may then be applied to the call data dependent on the bandwidth allocated. (Walding, Abstract)

As stated above in Section 2.) A., Reiner and Brisebois fail to teach "a network entity receiving, continuously throughout said bit transfer session, information, over another connection separate from the bit transfer session, from a radio resource managing unit about the bandwidth on the wireless link that the bit transfer session currently is allowed to use, where the network entity is separate from the radio resource managing unit and comprises at least one of the application server and the client". Walding fails to cure this deficiency. As such, Applicant submits that claims 10, 24, and 38 are patentable over the combination of Reiner, Brisebois, and Walding.

E. Claims 13, 27, and 41

Claims 13, 27, and 41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (EP0948168) in view of Holma et al (US 2002/0136192). Applicant disagrees.

The Examiner concedes that Reiner and Brisebois fail to teach, disclose, or suggest the radio resource managing unit being a base station controller. In order to cure this perceived deficiency, Holma is cited.

Holma discloses power control of a network part transmitter in a radio system. The method comprises: establishing a radio connection from the network part transmitter to a user equipment; sending a signal on the radio connection from the network part transmitter using the transmission power required; receiving the signal in the user equipment; measuring a quality value for the signal and determining a power

control command based on the quality value, signalling the power control command from the user equipment to the transmitter; specifying the power control required in the transmitter using a delay requirement of a service to be transferred over the radio connection and at least one received power control command as the basis for making the power control decision; continuing the method from the second operation, i.e. sending a signal on the radio connection from the network part transmitter using the transmission power required.

As stated above in Section 2.) A., Reiner fails to teach "a network entity receiving, continuously throughout said bit transfer session, information, over another connection separate from the bit transfer session, from a radio resource managing unit about the bandwidth on the wireless link that the bit transfer session currently is allowed to use, where the network entity is separate from the radio resource managing unit and comprises at least one of the application server and the client". Holma fails to cure this deficiency. As such, Applicant submits that claims 13, 27, and 41 are patentable over the combination of Reiner and Holma.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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